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Subject: Fw: San Jacinto Waste Pits Superfund Site-FOIA Request
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fyi

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San Jacinto Waste Pits Superfund Site-FOIA Request

Linda Henry to: Barbara Nann, Stephen Tzhone, Valmichael Leos 12/17/2010 03:58 PM

Cc: Nicole Hausler, Garry McMahan

Barbara, Steve, and Valmichael,

PHA has been told numerous times by EPA that the appropriate way for it to obtain certain information related to the San Jacinto River Waste Pits Superfund Site is not through a website or email or status conferences but rather through the FOIA procedure. In an effort to demonstrate that the FOIA process is NOT an effective way for us to obtain this information, I'd like to share our experiences to date with the FOIA process.

Since we were told by both EPA and an RP attorney that draft reports would not be provided to us and by EPA that the appropriate way to obtain these documents would be through a FOIA request, I filed a FOIA request with EPA on September 30, 2010 requesting this information. On October 20, 2010, I received a phone call from Tina Kirst requesting that the time to respond to this request be extended until December 10, 2010. I agreed to this request for a time extension. On December 8,

2010, I received another call from Tina Kirst requesting another time extension past December 10, 2010. I did not consent to this time extension, since I had already been waiting more than two months for these documents. On December 15, 2010, we called Tina Kirst to determine why we had not yet received these documents, and on December 16, 2010, we received a voice mail informing us that the request is still under review with the EPA site team and attorneys. To date, we have not yet received these requested documents.

It has become apparent that consenting to an extension of time for a FOIA request is foolish and meaningless since with consent, the agreed upon extended date will not be honored and without consent, the agency will grant itself an extension of time and the deadline will not be honored. Either way, the requested documents are not produced within the required time. The bottom line is that after waiting two and a half months, we still do not have the requested documents. The documents, if and when they are finally received, will run a significant risk of being "outdated" and, consequently, of little value to our analysis and evaluation of the superfund process. It is difficult to understand how this inefficient and untimely FOIA process advances the EPA's new goal of transparency.

I share this information with you so that you may understand why we will continue to press for another avenue to obtain the information we need to participate meaningfully in the superfund process. Thank you.

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